

Staff Summary Report

Council Meeting Date: 12/12/02

Agenda Item Number: 40

SUBJECT: Set public hearings for **January 9, 2002**, and **January 16, 2002**, to adopt an ordinance to grant an electrical easement to Arizona Public Service (APS) for an underground electric line at American West Headquarters, 111 W. Rio Salado Parkway.

DOCUMENT NAME: (20021212PWDR07) **GRANT OF EASEMENT (0904-02)**
ORDINANCE NO. 2002.54

SUPPORTING DOCS: Yes

COMMENTS: N/A

PREPARED BY: HEIDI GRAHAM, REAL PROPERTY SPECIALIST (x8528)

REVIEWED BY: ANDY GOH, ACTING CITY ENGINEER (x8896)

LEGAL REVIEW BY: RON DUNHAM, ASSISTANT CITY ATTORNEY (x8814)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2002.54 and authorize the Mayor to execute any necessary documents.

Approved by Glenn Kephart, Public Works Manager

ORDINANCE NO. 2002.54

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, GRANTING AN ELECTRICAL EASEMENT TO ARIZONA PUBLIC SERVICE (APS) FOR UNDERGROUND ELECTRIC SERVICE AT THE AMERICA WEST BUILDING, 111 WEST RIO SALADO PARKWAY, WITHIN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST, G & SRB & M.

WHEREAS, it has been determined that the City of Tempe owns certain real estate described herein, and,

WHEREAS, APS has requested an easement for an underground electric line on said property,

WHEREAS, it would appear to be in the best interest of the City of Tempe to grant an easement to APS, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby authorize the grant of an easement to APS in the form attached hereto as Exhibit "A" and "A-1".

SECTION II. That the rights granted in the easement to APS shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part, and provided that the use of the easement shall not interfere with any public improvements or future public improvements upon grantor's land.

Ordinance No. 2002.54
Page Two

SECTION III: The Mayor is authorized to execute the easement authorized
herein.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this _____ day of _____, 2002.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A-1

UTILITY EASEMENT

W38288
SW-15-1N-4E
SURVEY JDH-38
RLS

In consideration of One Dollar (\$1.00), the receipt of which is hereby acknowledged CITY OF TEMPE, a municipal corporation, organized and existing under and by virtue of the laws of the State of Arizona (hereinafter called "Grantor") do(es) hereby grant and convey to ARIZONA PUBLIC SERVICE COMPANY (hereinafter called "Company"), its successors and assigns, an easement to construct operate and maintain electric lines and appurtenant facilities upon, across, over, and under the surface of the premises hereinafter described.

The premises through and across which this easement is granted are situated in Maricopa County, Arizona, and are described as follows:

That portion of OFFICE PLAZA 222 condominium plat according to Book 236 of Maps, Page 48, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Southwest corner of said OFFICE PLAZA 222, said corner lying on the Easterly right-of-way of Ash Avenue; thence N 00°6'16" E along the West line of said OFFICE PLAZA 222, a distance of 120.38 feet to a set ½" rebar with cap #26404, being the TRUE POINT OF BEGINNING; thence continuing N 00°6'16" E along said West line a distance of 198.70 feet to a set ½" rebar with cap #26404; thence N 0°15'6" E continuing along said West line a distance of 331.52 feet to the Northwest corner of said OFFICE PLAZA 222, said corner being a set ½" rebar with cap #26404; thence S 89°45'11" E along the North line of said OFFICE PLAZA 222, said line also being the Southerly Right-of-Way of 1st Street a distance of 317.77 feet to a corner of said OFFICE PLAZA 222, last said corner being a found cotton picker spindle; thence S 0°9'42" W along the East line of said OFFICE PLAZA 222, a distance of 329.73 feet to a corner of said OFFICE PLAZA 222, last said corner being a found cotton picker spindle; thence S 0°10'15" W a distance of 199.32 feet to a set ½" rebar with cap #26404; thence N 89°57'52" W a distance of 318.06 feet to the TRUE POINT OF BEGINNING;

EXCEPT that particular parcel dedicated as Right-of-Way to the City of Tempe in Document Number 98-0650254, more particularly described as follows:

BEGINNING at the Southerly Right-of-Way line of First Street at the Northeast corner of said OFFICE PLAZA 222; thence S 89°50'34" W 317.74 feet along the Northerly line of said OFFICE PLAZA 222 to the Northwest corner of said OFFICE PLAZA 222; thence S 0°8'41" E 21.59 feet along the West line of said OFFICE PLAZA 222 to a non-tangent curve having a radius that bears S 7°21'29" E 247.42 feet distant; thence Northeasterly 30.05 feet along the arc of said curve, being concave Southeasterly, through a central angle of 6°57'32"; thence N 89°36'3" E 239.28 feet to a tangent curve; thence Northeasterly 48.60 feet along the arc of said curve, being concave Northwesterly, having a radius of 544.58 feet, through a central angle of 5°6'46" to the Easterly line of said Office Plaza 222; thence N 0°13'59" W 16.26 feet along said Easterly line to the POINT OF BEGINNING.

Said utility easement in the above described premises consists of an easement area for underground electric lines and padmounted equipment, the approximate dimensions and locations of which are shown on Exhibit "A" attached hereto and by this reference incorporated herein.

Together with the right to operate, repair, replace, maintain, and remove said lines and appurtenant facilities from said premises; to add to or alter said lines and/or facilities at any reasonable time, and to trim, prune or remove any trees or shrubs located within or outside the limits of this easement that in the judgment of the Company may interfere with the construction or endanger the operation of said lines and/or facilities, with access to said easement and egress therefrom to permit normal operations of the Company in connection with said lines and/or facilities, ~~and to permit the installation of the wires, fixtures, conduits, or cables of any other company within the boundaries of this easement.~~

Grantor shall not erect or construct or permit to be erected or constructed any building or other structure or drill any well within the limits of said easement; nor shall Grantor plant or permit to be planted any trees within the limits of said easement without the prior written consent of the Company; provided, however, Grantor shall have the right to construct and erect fences within the limits of said easement in a manner which will not unreasonably interfere with the Company's right of access to its lines and/or facilities.

By accepting this easement, the Company agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon.

Dated: _____

CITY OF TEMPE, a municipal corporation, organized and existing under and
by virtue of the laws of the State of Arizona

WITNESS:

By: _____

Title: _____

STATE OF

}
} ss.
}

County of

This instrument was acknowledged before me this _____ day of _____, 2002, by

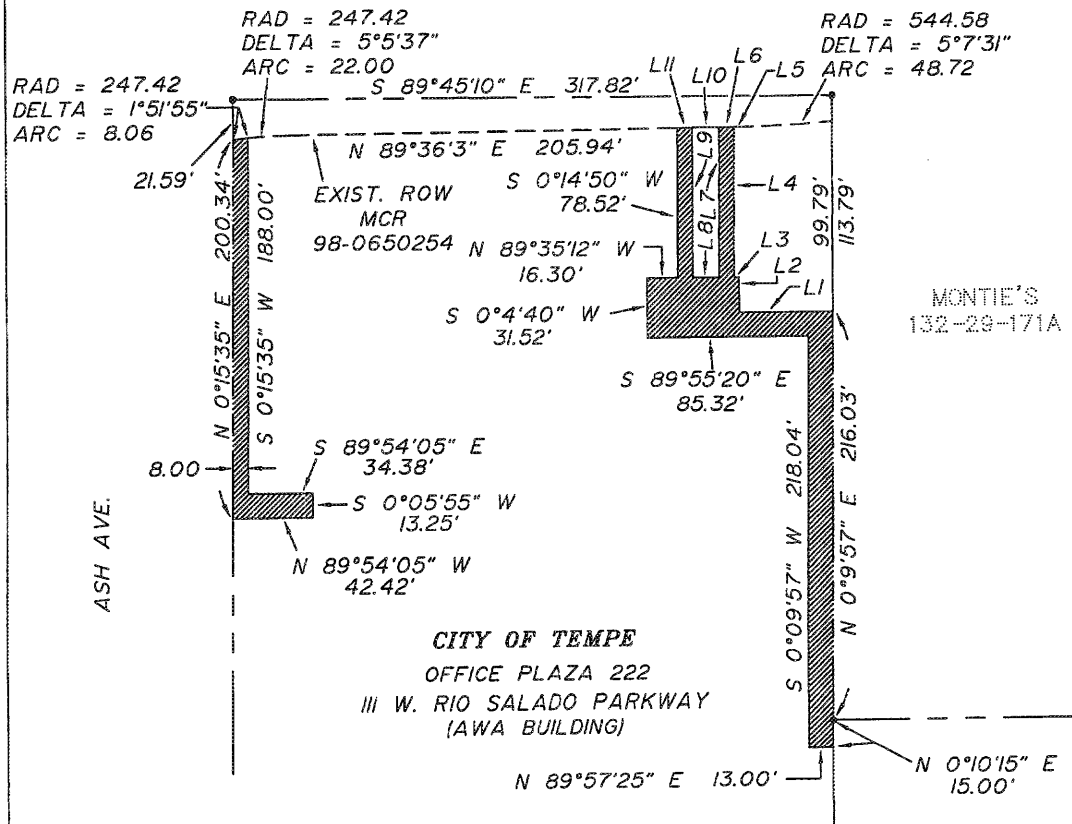
IN WITNESS WHEREOF I hereunto set my hand and official seal.

My Commission Expires:

Notary Public





SKETCH SHOWING LOCATION AND LIMITS OF
UTILITY EASEMENT

RIO SALADO PARKWAY



THE PURPOSE OF THIS EXHIBIT IS TO DEPICT THE DIMENSIONS AND APPROXIMATE LOCATION AND ALIGNMENT OF THE ELECTRIC LINE EASEMENT AREA. THE LOCATION AND ALIGNMENT OF THE ELECTRIC LINE AND EQUIPMENT AS ACTUALLY CONSTRUCTED SHALL TAKE PRECEDENCE OVER THE LOCATION AND ALIGNMENT SHOWN ON THIS EXHIBIT.

LEGEND

| | |
|---|-----------------|
|  | EASEMENT AREA |
|  | ROAD CENTERLINE |
|  | PROPERTY LINE |
|  | PROPERTY CORNER |

| | |
|------------------------|---------------|
| JOB# W38288 | DATE 11/15/02 |
| SW 1/4 SEC 15 | T 1N R 4E |
| SCALE 1"=80' | MAP# |
| R/W MIKE BOUCHE | |
| SURVEY: SMITH - RAMSEY | |
| DRAWN BY: SMITH | |